

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BRUCE FELDER

V.

PRISONER
CASE NO. 3:12CV650(MPS)

COMMISSIONER

RULING ON PENDING MOTIONS

The petitioner seeks to file a second amended petition to add a second ground for relief. The respondent does not object to the petitioner's request. The motion for leave to amend the petition is granted absent objection. The Clerk is directed to docket the Second Amended Petition attached to the motion to amend.

The petitioner also requests that *pro bono* counsel be appointed to represent him. Appointment of counsel in *habeas corpus* cases filed in federal court is discretionary, and that discretion should be exercised only when the interests of justice so require, unless an evidentiary hearing is necessary. *See* Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts; 18 U.S.C. § 3006A(a)(2)(B).

The court has just granted the petitioner leave to file a second amended petition. At this stage of the proceedings, justice does not require the appointment of counsel and the court cannot conclude that a hearing is likely to be necessary. Accordingly, the motion for appointment of counsel is denied without prejudice.

Conclusion

The Motion for Leave to File Second Amended Petition [**Doc. No. 18**] is **GRANTED** absent objection. The Clerk is directed to docket the Second Amended Petition and its exhibits. The Motion for Appointment of Counsel [**Doc. No. 4**] is **DENIED** without prejudice. The petitioner

may file a new motion if an evidentiary hearing is held in this matter.

SO ORDERED this 19th day of June, 2014, at Hartford, Connecticut.

/s/

MICHAEL P. SHEA
UNITED STATES DISTRICT JUDGE